

REMARKS

Claims 1-31 remain pending in the application and are subject to a restriction requirement. In response, Applicants provisionally elect Group II, indicated by the Examiner to be drawn to the closure of claims 19-29, with traverse. Reconsideration of the restriction requirement is respectfully requested in view of the following remarks.

Traverse of Restriction Requirement

Applicants respectfully traverse the restriction requirement because examination of the pending claims does not present a serious burden on the Examiner. For a restriction requirement to be proper, two criteria must be met:

- A. The inventions must be independent or distinct as claimed; and
- B. There must be a serious burden on the Examiner if restriction is not required.

"If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (See MPEP §803.) Applicants submit that examination of all pending claims in this application can be made without serious burden to the Examiner. For example, Applicants note that closure recited in claims 1-18 includes the same features or combinations of features recited in claims 19-29. Accordingly, the Examiner must at least search in the same classes and subclasses to properly examine claims 1-18 as would be required to examine claims

19-29. For at least these reasons, Applicants submit that searching all claims pending in the application would not present a serious burden to the Examiner and Applicants respectfully request that the restriction requirement be withdrawn.

Provisional Election of Claims

In the event that the Examiner maintains the restriction, Applicants provisionally elect Group II, indicated by the Examiner to be represented by claims 19-29, for examination on the merits.


In view of the foregoing remarks given herein, Applicants respectfully reconsideration of the restriction requirement. If there is any matter that may be resolved by telephone or facsimile, the Examiner is respectfully asked to contact the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this Response. If any petition is due, or if any additional fee is necessary to complete this communication, please consider this a request for such and charge any additional fees or apply any credits to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

DWD:kfb
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)

By: 
David W. Dorton
Reg. No. 51,625